

April 26, 2022

The Honorable Merrick B. Garland
Attorney General
United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Dear Attorney General Garland:

I am conducting oversight over the implementation and administration of the COVID-19 relief programs, specifically the Paycheck Protection Program (PPP). Crafted by Congress, in consultation with the Department of the Treasury and the Small Business Administration, the PPP served as an immediate source of relief for small businesses in the early days of the pandemic.¹ As Ranking Member of the House Committee on Small Business, it is my responsibility to provide critical and effective oversight of this crucial taxpayer funded program. To that end, I write to you with concerns that Treasury Secretary Yellen may be impeding Congress' ability to conduct this oversight and in turn, acting in violation of the law.

Under the Consolidated Appropriations Act of 2021, the Secretary of the Treasury and the Administrator of the Small Business Administration are required to testify before the House Committee on Small Business. The section reads:

Not later than the date that is 120 days after the date of enactment of this Act, and not less than twice each year thereafter until the date that is 2 years after the date of enactment of this Act, the Administrator and the Secretary of the Treasury shall testify before the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding implementation of this Act and the amendments made by this Act.²

The Consolidated Appropriations Act of 2021 was signed into law on December 27, 2020.³ One month after the 120-day testimony deadline had lapsed, in May of 2021, I communicated my concerns in writing to Secretary Yellen and requested her availability to testify before the Committee as soon as possible. Having received no response, I once again communicated my concerns in writing on July 6, 2021, July 28, 2021, March

¹ Pub. L. No. 116-136 (2020).

² Pub. L. No. 116-260 §321(b) (2020).

³ *Id.*

1, 2022. As other Committees of jurisdiction chose to waive Secretary Yellen's testimony, this Committee has in the past, in a bipartisan manner, insisted on her critical testimony.⁴

Adding insult to injury, the Department of the Treasury has not once provided any response to inquiries regarding the Secretary's testimony. As the nation grapples with what is now being referred to as the "[b]iggest fraud in a generation," the Department of the Treasury's refusal to engage with this Committee limits Congress' ability to conduct effective oversight over taxpayer funded programs.⁵

In addition to Secretary's Yellen's failure to appear before this Committee, I am similarly concerned with the lack of response from any individuals within the U.S. Department of the Treasury. As you are well aware, The Lloyd-La Follette Act of 1912, guarantees that "the right of employees individually or collectively, to petition Congress or a Member of Congress, or to furnish information to either House of Congress, or to a committee or member thereof, may not be interfered with or denied."⁶ Myself and my colleagues in Congress have written to the Department of the Treasury multiple times requesting the Secretary's availability to testify. It is one matter for the Secretary to refuse to engage with Congress, but I am concerned that the Department is preventing our career civil servants from responding to a legitimate request from Congress. As I have never once received any response from the Department of the Treasury, I am worried the Department is interfering with the right of career civil servants to respond to a Congressional request in violation of the law.

I recognize you serve alongside Secretary Yellen in President Biden's administration. I would remind you though of President Biden's comments when he announced your nomination: "You won't work for me... Your loyalty is not to me. It's to the law, the Constitution, the people of this nation, to guarantee justice."⁷ As a duly elected member of Congress, the Ranking Member of the House Committee on Small Business, and a representative for the American people in my district, it is my duty to provide responsible oversight of the Executive Branch and to ensure American taxpayer dollars are spent responsibly. As I work to continue my oversight efforts, I ask that you take these concerns seriously and thoroughly investigate the Department of the Treasury and Treasury Secretary Yellen. I would appreciate a response to this letter.

If you have any questions, please contact David Planning of the Committee Staff at (202) 225-5821. Thank you for your attention to this matter.

Sincerely,

Blaine Luetkemeyer
Ranking Member
House Committee on Small Business

⁴ *An Examination of the SBA's COVID-19 Programs Before the H. Comm. on Small Business*, 117th Cong. 2 (2021) (Opening statement of Comm. Chairwoman Velazquez).

⁵ Ken Dilanian & Laura Strickler, *Biggest Fraud In a Generation: The lotting of the Covid relief plan known as PPP*, NBC News (Mar. 28, 2022, 3:59 PM), <https://www.nbcnews.com/politics/justice-department/biggest-fraud-generation-looting-covid-relief-program-known-ppp-n1279664>.

⁶ 5 U.S.C. § 7211.

⁷ President Joseph Biden, Nomination Announcement for Merrick Garland as U.S. Attorney General (Jan. 7, 2021, 12:05).